UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,549	08/10/2000	Yevgeniy Eugene Shteyn	US000209	7153

7590 04/25/2003

Corporate Patent Counsel
U S Philips Corporation
580 White Plains Road
Tarrytown, NY 10591

EXAMINER
ADEGORUSI, ADEKUNLE O

ART UNIT	PAPER NUMBER
2153	4

DATE MAILED: 04/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/635,549	SHTEYN, YEVGENIY EUGENE	
	Examiner	Art Unit	
	Adekunle O Adegorusi	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-16 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 1 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: page 5 line 8 has "it enables the **manufactures** to partner". A more appropriate phrase would have been "it enables the **manufacturers** to partner".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al. (U.S. Patent 6,477,576).

In considering claim 1, Angwin et al. discloses a consumer apparatus (column 1, lines 21-34; pervasive computing devices) responsive to a user-input for initiating retrieval of data from a server under control of a predetermined URL specific to a type of the apparatus (column 2 lines 15-21), the data representing content information about the context of usage of the apparatus. A user input is needed in order to access a predefined URL and it would have been obvious (if not inherent) to one of ordinary skill in the art to have one of the services that are sent to the pervasive computing device represent content information about the context of usage of the

apparatus. The pervasive computing devices obtain a list of services for its network session (See column 5, lines 47-51).

In considering claim 2, Angwin et al. teaches that the apparatus comprises an Internet-access functionality (column 6 lines 35-37).

In considering claim 3, Angwin et al. teaches that the apparatus comprises a memory for storage of the URL (column 2 lines 21-25; having a knowledge of the different URLs to access implies that the pervasive computing devices have memory for storage of the URL).

In considering claim 5, Angwin et al. teaches a proxy device (pervasive computing device; according to the definition given on page 11, lines 24-25 of the specification, a proxy is a device that is capable of communicating a URL to the home network or the gateway upon being triggered by the user), wherein the proxy is responsive to a user-input (column 5 lines 51-56; request for a service menu) for initiating, via a gateway (column 7 lines 56-58 and fig. 1) retrieval of data from a server under control of a predetermined URL specific to a type of the apparatus represented (column 2 lines 15-21 and column 5 lines 47-51; the list of services is specific to the apparatus that sends the request).

In considering claim 6, Angwin et al. teaches that the data represents content information about the context of usage of the apparatus (column 5 lines 47-51). The pervasive computing devices obtain a list of services for its network session.

In considering claim 7, Angwin et al. teaches the proxy (pervasive computing device) storing the URL (column 2 lines 21-25; having a knowledge of the different URLs to access implies that the pervasive computing devices have memory for storage of the URL).

In considering claim 13, Angwin et al. teaches a method of enabling a service provider to provide a service via the Internet to a user of a consumer apparatus (pervasive computing device). See column 5, lines 11-16. The method comprising:

Enabling the user to initiate via the apparatus sending of a request with an identifier representative of a type of the apparatus to a server on the internet (column 7, line 59 – column 8, line 16; the message can have an address identifying the pervasive computing device. It can also have information about the type of device and type of display); and

Upon receipt of the request by the server, initiating user access to a web page with content information about a context of using the apparatus (column 8, lines 46-65). It would have been obvious to one with ordinary skill in the art to have one of the services that are sent to the pervasive computing device represent content information about the context of using the apparatus (see column 1, lines 60-63).

In considering claim 14, Angwin et al. teaches a method that creates a database of the type per user (column 8, lines 4-16; a database would have been created in the server since pervasive computing device can include information regarding the type of device and device characteristics in the request service to the server. Such information would enable the server to provide the correct format for providing the menu to the pervasive computing device).

In considering claim 15, Angwin et al. teaches a method comprising the capability to generate a pointer (URL) from a services menu database (column 3 lines 33-34 and lines 41-42). Since the pervasive computing device would have to access the server for a list of services that are available to it (column 5 lines 47-60) and the database can generate the URL that can be used

to access such services (column 8 lines 46-48), it implies that a database of URLs was created per user.

In considering claim 16, Angwin et al. teaches a method comprising providing the apparatus with an identifier for a web page (column 8 lines 46-48; the URL is an identifier for a web page).

Claims 4, 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., and further in view of Beranek et al. (U.S. Patent 6,226,642).

In considering claim 4, the system disclosed by Angwin et al. (discussed above) fails to show a remote control device which has a dedicated button for initiating the retrieval of data. Nonetheless, Beranek et al. teaches a method of controlling the display on a client computer when data is received from a server (column 1 lines 15-18) and the use of a data processing system which can be connected to a TV to operate like a personal computer in order to access the internet by using a remote control device (column 1 lines 39-53 and column 7 lines 20-24). Beranek et al. also teaches that the remote control device has a dedicated button (the "Web", "Help" and "Menu" buttons) for initiating the retrieval of the data (the data are the start-up, help and menu screens). See column 6 lines 8-19 and column 6 line 62 – column 7 line 31.

Having a remote control device in order to create a device that can be controlled from a remote location would have been a desirable feature in the art. Thus, it would have been obvious to one with ordinary skill in the art to modify the teachings of Angwin et al. with the teachings of Beranek et al. by creating the means of using a remote control device to control the pervasive

computing device in order to make the pervasive computing device controllable from a remote location.

In considering claim 9, the system disclosed by Angwin et al. (discussed above) fails to show that the proxy (which is the pervasive computing device) is responsive to a wireless signal. However, Beranek et al. teaches a remote control device that sends wireless signals to the data processing system in order to control the system (column 6 lines 5-19).

Having a device that responds to a wireless signal in order to have a system that could be controlled from a remote location would have been a desirable feature in the art. Thus, it would have been obvious to one with ordinary skill in the art to modify the teachings of Angwin et al. with the teachings of Beranek et al. by providing a means for the pervasive computing devices to be controlled by a wireless signal in order to control the devices from a remote location.

In considering claim 10, Beranek et al. teaches that the proxy transmits a further signal with a unique identifier upon receiving the signal (column 6 line 62 – column 7 line 4: pressing the "Web" button implies that a signal was sent from the remote control device to the client machine and a signal (URL) was sent from the client machine via the gateway to the ISP).

In considering claim 11, Angwin et al. teaches a system (Pervasive computing device) that accesses a server to obtain data that represents content information specific to the context of usage of the apparatus (column 5 lines 47-56).

The system disclosed by Angwin et al. fails to show a remote control device for control of an apparatus. However, Beranek et al. teaches a remote control device for control of a consumer apparatus, wherein: the device has a key ("Help" button) dedicated to initiating, via the

apparatus, retrieval of data from a server; the data represents content information specific to the context of usage of the apparatus (context-sensitive help) (column 6 line 62 – column 7 line 11).

Having a remote control device for controlling a consumer apparatus in order to have a user-friendly device that can be controlled from a remote location would have been a desirable feature in the art. Therefore, it would have been obvious to one with ordinary skill in the art to modify the teachings of Angwin et al. with the teachings of Beranek et al. by creating the means for having a remote control device in order to control the devices from a remote location.

In considering claim 12, Angwin teaches storing an identifier representative of a URL of a file at the server (column 3 lines 41-42 and column 6 lines 57-60; the database/repository that provides the URL can be incorporated in the server).

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Angwin et al., and further in view of Duberman (Daily spectrum). The system disclosed by Angwin et al. (discussed above) failed to show a programmable URL, however the notion of a programmable was taught by Duberman on page 4 lines 4-5. Duberman teaches an Internet software product (Prospector) which allows WWW sites to be navigated with a touch screen (page 3, paragraph 7) and one of the features of the software product is a restriction feature using a programmable URL.

Having a proxy that has a programmable URL in order to restrict the Internet access to a single web site would have been a desirable feature in the art. Thus, it would have been obvious to one with ordinary skill in the art to modify the teachings of Angwin et al. with the teachings of Duberman by designing the system in a manner that would make the URL programmable in

order to restrict the user to accessing a single or multiple web sites (Duberman, page 4, paragraph 3).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adekunle O Adegorusi whose telephone number is (703) 305-7721. The examiner can normally be reached on 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-8889 for regular communications and (703) 746-8889 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is N/A.

AOA
April 15, 2003

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100